

**BOARD OF COUNTY COMMISSIONERS  
AGENDA ITEM SUMMARY**

Meeting Date: October 19, 2005

Division: Mayor Dixie M. Spehar

Bulk Item: Yes ☐ No ☒

Department: BOCC1

Staff Contact Person: Jana Johnson-Willi

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**AGENDA ITEM WORDING:** Approval for an amendment to the Board of County Commissioners Administrative Procedures regarding appointments for various boards. The clarification will be notwithstanding Robert's Rules of Order, appointments by the County Commission to committees, advisory boards, councils, commissions and similar bodies established by resolution, ordinance or Florida statute shall be by affirmative vote of not less than three of the five members of the County Commission, unless otherwise stated in the enabling resolution, ordinance or statute creating the committee, board, council, commission or body.

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**ITEM BACKGROUND:** This will be an amendment to the Administrative Procedures labeled Section 1.20 which is in reference to County Commission appointments. The Administrative Procedures have routinely been improved and the last approval for change was January 20, 2001.

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**PREVIOUS RELEVANT BOCC ACTION:**

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**CONTRACT/AGREEMENT CHANGES:**

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**STAFF RECOMMENDATIONS:**

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**TOTAL COST:** \_\_\_\_\_

**BUDGETED:** Yes ☐ No ☐

**COST TO COUNTY:** \_\_\_\_\_

**SOURCE OF FUNDS:** \_\_\_\_\_

**REVENUE PRODUCING:** Yes ☐ No ☐ **AMOUNT PER MONTH** \_\_\_\_\_ **Year** \_\_\_\_\_

**APPROVED BY:** County Atty \_\_\_\_\_ OMB/Purchasing \_\_\_\_\_ Risk Management \_\_\_\_\_

**DIVISION DIRECTOR APPROVAL:** *Dixie M. Spehar*  
Dixie M. Spehar, Mayor

**DOCUMENTATION:** Included ☒ Not Required \_\_\_\_\_

**DISPOSITION:** \_\_\_\_\_

**AGENDA ITEM #** \_\_\_\_\_

**MONROE COUNTY BOARD OF COUNTY COMMISSIONERS  
ADMINISTRATIVE PROCEDURES**

**SECTION I**

**Section 1.01 - Introductory Items.**

**a)** Except as may be provided by these Rules and By-Laws, questions of order, the methods of organization and the conduct of business of the Commission shall be governed by Robert's Rules of Order, Newly Revised, 1990 Edition, which is hereby adopted by the Commission.

**b) The Mayor:** In Chapter 65-1931, Laws of Florida, the Chairperson of the Board of County Commissioners was designated the Mayor and the Vice Chairperson the Mayor Pro-Tem. Therefore, in these administrative procedures, the terms Mayor and Chairperson, and Mayor Pro-Tem and Vice Chairperson, refer to identical officers and are used interchangeably.

**Section 1.02 - Meeting.**

**a) Regular Meetings:** The County Commission shall hold regular meetings, usually on a Wednesday and the immediately following Thursday of each month, in a week at the time(s) determined by motion of the County Commission. Other times and dates may also be established by a motion of the County Commission. No regular meeting may be scheduled when the day fixed for a regular meeting falls on a designated holiday. The locations for regularly scheduled meetings of the County Commission shall be established by motion of the County Commission but the monthly location for the regularly scheduled meetings must rotate among the Lower, Middle and Upper keys. All meeting sites must be in compliance with the American Disabilities Act and any other applicable civil rights statutes. In an extenuating situation (e.g., a hurricane or other disaster), and with the notice reasonably provided in light of the situation, the Mayor or County Administrator may designate another location and time for a regularly scheduled meeting of the County Commission.

The County Commission shall not schedule any particular time of the year as a vacation period but shall individually stagger their vacation times so that the County Commission may continue to function throughout the year.

**b) Special Meetings:** A special meeting of the County Commission may be called by the Mayor, or in his/her absence the Mayor Pro Tem whenever, in his/her opinion, the public's business requires it. A special meeting may also be called by three members of the County Commission. All requests for a special meeting must state the purpose of the meeting and a proposed time and location.

When a special meeting is called by the Mayor, then a written request for the meeting must be delivered to the Clerk. When a County Commissioner (other than the Mayor) wishes to call a special meeting, he or she must send the written request to the Clerk and, at the same time, send the request to all other members of the County Commission, and the County Administrator. If, within two business days, two other County Commissioners send to the Clerk written approval of the requested special meeting, then the special meeting will be considered called. The County Commissioners who send the Clerk written approval of the requested special meeting must also, at the same time, send copies to the County Administrator. If the Clerk determines that the special meeting was properly called, then the Clerk must promptly provide verbal or written notice, unless specifically waived, to the County Commission members, the County Administrator and the County Attorney, stating the date, hour and place of the meeting and the purpose of the meeting. The Clerk must also send written notice of the special meeting to the local media outlets.

Only the business stated in the notice of the special meeting may be considered at the meeting unless the Mayor or the County Administrator determines that the public's best interest would be served if additional items were considered and an amended written agenda is delivered by the County Administrator to all County Commissioners, the County Attorney, and the local media outlets a minimum of one business day in advance of the special meeting date. Alternatively, a majority of the County Commissioners present at the special meeting may agree to add additional items to the special meeting agenda.

When the Clerk has received a request for a special meeting that complies with this subsection 1.02(b), he or she must make sure that there are at least four hours between the call for the meeting and the date and hour of the meeting unless an extenuating circumstance (e.g., an impending hurricane) prevents that. If, after reasonable diligence, it was impractical to give notice to each County Commissioner then that failure will not affect the legality of the special meeting if a quorum is present. The minutes of each special meeting must show the manner and method by which notice of the special meeting was given to each member of the County Commissioners or the waiver of the notice.

**c)** The notice requirements set forth in this Section 1.02 are in addition to, and not the replacement for, notice requirements mandated by general law.

**d)** All County Commission meetings are open to the public unless a specific exemption is provided by general law.

**e)** The Clerk must record, and is the custodian of, all County Commission minutes.

### **Section 1.03 – Agenda:**

**a) Regular Meeting Agenda:** Matters for action – proposals and discussion items - may be placed on the regular meeting agenda only by a Commissioner, the County Attorney, County Clerk and County Administrator.

1. An agenda will be prepared by the County Administrator's office for every regular meeting or special meeting of the Commission. The Commission shall not take action on any matter, proposal, or report of item of business which is not listed in the official agenda, unless there is a super majority vote or, if all 5 Commissioners are not in attendance, by a unanimous vote of the members present, agreeing to the addition of other items to the agenda for consideration and action.

2. All regular meeting agenda items must be delivered to the County Administrator's office no later than 5 PM on the 15<sup>th</sup> day prior to the scheduled meeting date. The agenda must be prepared and distributed so as to be received by the County Commissioners no later than 9 AM seven days prior to the scheduled meeting.

3. Items that are placed on the agenda prepared by the County Administrator's office shall have back-up materials submitted to the individual Commissioners, the appropriate administration staff, and the County Attorney by not later than 4 PM on the Monday preceding the meeting. No agenda items shall be considered by the County Commission without the appropriate back-up materials unless there is to be no action taken and/or the topic is for discussion or information only.

4. Items added to the agenda by vote of the County Commissioners shall (1) contain back-up documentation showing that review by County Administrator, appropriate staff, and County Attorney has occurred with the respective recommendations for action, or (2) the Commissioner, the Administrator, the County Clerk, or the County Attorney requesting placement of the item on the agenda has a significant reason for placement on the agenda and the following criteria are met: (i) a showing that time is of the essence and that delay to alter BOCC agenda will have a high probability of a negative impact on the County, and (ii) appropriate staff is present to make comment on the item, notwithstanding the impromptu nature of their input.

5. All items which require approval by the County Attorney for legal sufficiency and form shall be signed by the County Attorney or Assistant County Attorney before placement on the agenda.

Unless mandated otherwise by a general law, all scheduled times on the County Commission agenda are approximate even if denominated as "time certain." The Mayor should however, conduct the meetings in such a

manner that the agenda schedule is followed as closely as circumstances allow.

Invocation will be a moment of silent contemplation.

**b) Sounding Board:** A separate section of the regular meeting agenda will be reserved for Sounding Board. Sounding Board must be scheduled for a time approximate for public convenience. The purpose of the Sounding Board is to allow individuals to address the County Commission on a matter pertaining to County government, excluding matters in litigation and complaints against specific personnel. The initial speaker on an item - whether representing him or herself, or a non-profit organization - may address the County Commission for a period up to ten minutes. Subsequent speakers who are speaking for themselves on the same item may speak for three minutes. A subsequent speaker on the same item may address the County Commission on behalf of another nonprofit organization for five minutes. Individuals who wish to utilize Sounding Board must contact the County Administrator's Office in writing in order to be scheduled on the agenda, must specify the subject matter of the presentation, and must comply with the agenda deadlines established in this Section 1.03. No action may be taken by the County Commission on an item on the Sounding Board agenda.

**c) Presentations** May not be promotional for products and services and will be limited to a maximum of 15 minutes. Presentations must be sponsored by the County Administrator or a County Commissioner.

**d)** Appeals of the Planning Commission decisions before the County Commission shall be limited to 20 minutes of oral argument for each party and the appellant may reserve 5 minutes for rebuttal.

**e)** When necessary, the Board of County Commissioners shall convene as the Board of Appeals to consider such appeals as may be required. Such hearings shall be scheduled for a time certain on the day it is advertised by the County Attorney. Such appeal shall be scheduled on the agenda. The Board shall consider the appeal and by motion adopt a resolution affirming or denying said appeal and all such motions shall include authorization for the Chairperson of the Board to execute said resolution when prepared.

**f) Tabled items:** An agenda item under consideration by the County Commission may be removed from the table (tabled) by a majority vote of those Commissioners present. A motion to table any item that has received a second shall be voted upon without discussion. The effect of such a vote is to remove the item from consideration by the Commission. The item may be placed back on the table and considered by the Commission by a majority vote of the Commission but only if such vote takes place during the course of the meeting of the County Commission for which the item was on the agenda. Once that County Commission meeting is adjourned, either on the second day of a regularly scheduled meeting or at the conclusion of a special meeting, then the

item may not be recalled from the table but must be placed on a subsequent County Commission meeting agenda by a person authorized to do so by these rules of procedure. Items that are required by general law or ordinance to be heard at a time certain public hearing may not be tabled but may be continued by a majority vote of the County Commission present to a time and a place certain but only if such a continuance is not contrary to general law or ordinance.

**g) Continuances:** Unless contrary to general law or ordinance, any item on the County Commission meeting agenda may be continued by a majority vote of those County Commissioners present. The continuation must be to a time and place certain which may be later during the course of the same County Commission meeting or to a subsequent meeting.

**h) Reconsideration:** During the course of a meeting and after a vote has been concluded on an agenda item, any Commissioner who voted with the majority may move for reconsideration of that item. If the motion is approved by a majority of those Commissioners present, then the Commission may ratify, rescind, or amend the decision made by their initial vote. Provided, however, in the case of any agenda item where a statute or a County ordinance requires published notice and a public hearing, then the approval of a motion for reconsideration will operate to stay the effect of the initial vote until the notice can be republished and a subsequent public hearing held. Upon conclusion of the subsequent public hearing, the Commission may ratify, rescind or amend the decision made by the Commission's initial vote.

At the next regular County Commission meeting, any Commissioner may move to rescind or amend the decision on an agenda item that was the subject of a vote at the previous regular or special County Commission meeting. If the motion is approved by a majority of those Commissioners present, then the Commission may ratify, rescind, or amend the decision made by their initial vote. Provided, however, in the case of any agenda where a statute or County ordinance requires a published notice and public hearing, then the approval of a motion for reconsideration will operate to stay the effect of the initial vote until the notice can be republished and a subsequent public hearing held. Upon conclusion of the subsequent public hearing, the Commission may ratify, rescind, or amend the decision made by the initial vote.

No previously voted upon agenda item may be the subject of a motion for reconsideration after the adjournment of the regular County Commission meeting that immediately follows the meeting at which the initial vote was taken.

**i)** A County Commissioner may not engage in a discussion about a quasi judicial agenda item outside the confines of the County Commission meeting with any party having an interest in the item. If a County Commissioner is in doubt as to whether an agenda item is quasi judicial, then he or she should contact the County Attorney (or an assistant) before engaging in a conversation with an interested party.

#### **Section 1.04 – Presiding Officer, Election, Duties:**

**a) Chairperson:** The Presiding Officer of the County Commission is the Chairperson/Mayor, who shall be elected by a majority vote of the members present at the regular meeting of the BOCC in November. The November meeting in election years must be on the date newly elected commissioners assume office as provided by law.

Selection of the Chairperson/Mayor shall be by nomination from the floor, with no second required, followed by alphabetical roll call vote of Commissioners on each nomination, in order of the nominations made. Selection of the Vice Chairperson/Mayor Pro Tem shall be in an identical manner.

**b) Vice Chairperson:** If, for any reason, the Chairperson is absent or unable to perform his/her duties, the Vice Chairperson, who will have been elected under the same circumstances as the Chairperson, shall succeed him. If the Commission determines that the disability or absence is expected to extend for a period of time in excess of the length of the meeting at which this is determined, a new Vice Chairperson shall be elected by a majority of the members present at the meeting.

#### **Section 1.05 – Parliamentarian:**

The County Attorney or his/her designee shall act as parliamentarian and shall advise and assist the Presiding Officer in matters of parliamentary law.

#### **Section 1.06 – Attorney:**

The County Attorney, or designee, in his/her absence, shall be available to the Commission at all meetings unless excused by the Mayor or Administrator. He shall draw ordinances and resolutions for any member of the Commission when and as directed.

#### **Section 1.07 – Call to Order:**

The Chairperson shall take the chair at the hour appointed for the meeting and shall immediately call the Commission to order. In the absence of the Chairperson and the Vice Chairperson, the Clerk shall then determine whether a quorum is present and in that event shall call for the election of temporary Chairperson. Upon the arrival of the Chairperson or the Vice Chairperson, the temporary Chairperson shall relinquish the chair upon the conclusion of the business immediately before the Commission.

### **Section 1.08 – Roll Call:**

Before proceeding with the business of the Commission, the Clerk or his/her designee shall call the roll of the members in alphabetical order unless the Chairperson stipulates all are present and the names of those present shall be entered in the minutes.

### **Section 1.09 – Quorum:**

A majority of the whole number of members of the Commission shall constitute a quorum. No ordinance, resolution or motion shall be adopted by the Commission without the affirmative vote of the majority of all members present. Should no quorum attend within thirty (30) minutes after the hour appointed for the meeting of the Commission, the Chairperson, or the Vice-Chairperson, or in their absence, the Clerk or his/her designee, may adjourn the meeting until the next day.

### **Section 1.10 – Order of Business:**

All meetings of the Commission shall be open to the public. Promptly at the hour set forth for each meeting, the members of the Commission, the County Attorney, the County Administrator and the Clerk shall take their regular stations in the Commission Chamber, and the business of the Commission shall be taken up for consideration and disposition in accordance with the agenda for the meeting. The agenda shall constitute the order of business, unless otherwise determined by the Mayor.

### **Section 1.11 – Rules of Debate:**

**a)** Each meeting agenda must state: "Any person who wishes to be heard shall, prior to the item being called, provide the Clerk with his/her name and residence, and the agenda item on which he or she wishes to be heard. An individual has three minutes. However, the first person representing an organization has five minutes to address the Commission. Subsequent speakers for the same organization have three minutes to address the Commission. For land use items, the time statement will be: "The petitioner and, if the owner is different than the petitioner, then the owner of the property that is the subject of the land use item, will be allowed 20 minutes to address the Commission. Other persons are allowed five minutes to address the Commission."

**b) Questions under Consideration:** When an item of business has been announced by the Clerk, the Clerk shall notify the Chairperson of any persons who wish to be heard on that item. Upon conclusion of audience participation, the Board shall then consider the item.

After the Commission has begun its discussion of the item, no further audience participation is permitted, unless the Mayor (or other Presiding Officer) permits a member of the audience to respond to questions from the



Commissioners. A motion must be made and properly seconded in order for official action to be taken by the Board. The presenter/mover shall be allowed to address the Commission on the motion initially, whereupon each of the other Commissioners shall be allowed to address the Commission on the motion before the Board on any matter in alphabetical order as is done on regular roll call except the presenter/mover shall have the right to address the Board initially and to close the debate on the matter under consideration.

**c)** As to the Chairperson: The Chairperson or such other member of the Commission as may be presiding may move, second, and debate from the chair, subject only to such limitations of debate as they are by those rules imposed upon all members and shall not be deprived of any of the rights and privileges of a Commissioner by reason of his/her being the Presiding Officer.

**d)** Obtaining the Floor, Improper References to be Avoided: Every member desiring to speak for any purpose shall address the Presiding Officer, and upon recognition, shall confine himself to the question under debate, avoiding all personalities and indecorous language.

**e) Interruption:** A member, once recognized, shall not be interrupted when speaking unless it be to call him or her to order or as herein otherwise provided. If a member, while speaking, be called to order, he/she shall cease speaking until the questions of order be determined by the Presiding Officer, and if in order, he/she shall be permitted to proceed. Any member may appeal to the Commission from the decision of the Chairperson upon a question of order when without debate the Chairperson shall submit to the Commission the question, "Shall the decision of the Chair be sustained?" and the Commission shall decide by a majority vote.

**f) Roll Call Vote:** No member of any state, county or municipal governmental board, commission, or agency who is present at any meeting of any such body at which an official decision, ruling, or other official act is to be taken or adopted may abstain from voting in regard to any such decision, ruling or other official act, and a vote shall be recorded or counted for each member present, except when, with respect to any such matter, there is, or appears to be, a possible conflict of interest under the provision of Florida Statutes Sections 112.311, 112.313, or 112.3143. In such cases said member shall comply with the disclosure requirements of Florida Statutes Section 112.3143.

### **Section 1.12 – Reading Minutes:**

Unless a reading of the minutes of a meeting is requested by a majority of the Commission, such minutes shall be considered approved without reading; provided that the Clerk delivers a copy thereof to each member of the Commission, the County Attorney and the County Administrator at least one full working day preceding the meeting at which the minutes will be approved. The minutes of prior meeting may be approved by a majority of the members present, and upon such approval shall become the official minutes.

### **Section 1.13 – Votes by Roll Call:**

The vote upon every resolution or ordinance may be taken by roll call in alphabetical order except the Chairperson shall be the last member called, and the vote shall be entered upon the minutes. Resolutions and ordinances shall be signed by the Presiding Officer at such meetings and by the Clerk before they are entered upon the minutes.

Each resolution and ordinance shall contain, at the conclusion of the 'Passed and Adopted' clause, a list of the members of the Commission and the vote cast by each ('Yes', 'No', 'Abstention,' or 'Not Present').

### **Section 1.14 – Decorum:**

Any person making impertinent or slanderous remarks or who becomes boisterous while addressing the Commission shall be barred from further audience before the Commission by the Presiding Officer, unless permission to continue or again address the Commission be granted by the majority vote of the Commission.

### **Section 1.15 – Sergeant-at-Arms:**

The County Sheriff, or his/her designated deputy, shall be the sergeant-at-arms at the Commission meetings and will carry out all legal orders of the Chairperson for purposes of maintaining order and decorum in accordance with these rules and Florida Statutes.

### **Section 1.16 – Ordinances, Resolutions, Motions, Contracts and Other Documents**

**a)** Preparation of ordinances and resolutions: The County Attorney, when requested, shall prepare ordinances and resolutions, a copy of which shall be delivered to the County Administrator, whereupon the Administrator shall forthwith furnish a copy to each Commissioner. The original of the ordinance or resolution shall be filed with the Clerk of the Circuit Court at the time said ordinance or resolution is submitted to the Board for action.

There shall be a public hearing on all ordinances other than emergency ordinances. The procedures as set forth in the Florida Statutes for adoption of ordinances shall be followed.

**b) Approval of Ordinances by County Attorney:** All ordinances, resolutions and contract documents before presentation to the Commission shall have been reduced in writing and shall have been approved as to form and legality by the County Attorney. When so referred, the County Attorney shall affix his/her signature on the document certifying to the legal sufficiency and shall append his/her recommendations as appropriate.

**c) Introducing for Passage or Approval:** Ordinances, resolutions and other matters and subjects requiring action by the Commission must be introduced and sponsored by a member of the Commission, except that the County Attorney and County Administrator may present ordinances, resolutions and other matters or subjects to the Commission for consideration, and any Commissioner may assure sponsorship thereof by moving such ordinance, resolution, matter or subject be adopted in accordance with law; otherwise they shall not be considered. Any ordinance or resolution prepared at the request of a Commissioner, Administrator, Division or Department Director shall bear the name of the person on the document.

Prior to placement on the Agenda of contracts or other similar matters to be approved by the Board as official actions, such document shall have been completely processed according to Administrative Orders issued by the County Administrator.

**d)** All ordinances, resolutions, contracts and other documents approved by the County Commission must be signed by the Mayor, or Mayor Pro Tem in the absence of the Mayor, as promptly as possible.

**Section 1.17 – Adjournment:**

A motion to adjourn shall always be in order and decided without debate.

**Section 1.18 – Clerk, Minutes, Correspondence:**

**a)** The Clerk of the Circuit Court, or his/her designated deputy, shall act as Clerk ex officio to the County Commission. The Clerk shall prepare the minutes and attest to all resolutions and ordinances.

**b)** The official minutes as prepared by the Clerk shall be as brief as possible and reflect on the very essential elements or actions. Those items specifically requested by the Board shall appear in the minutes in the manner as directed.

**c)** The Clerk shall be custodian of the County Seal, affixing the seal to documents as appropriate and attest to the signature of the Presiding Officer on all ordinances, resolutions and other documents.

**Section 1.19 - Committees.**

**a)** Committees shall be established by Board of County Commissioner resolution and shall be for a specific time duration and purpose.

**b) Function.**

1. The Committee will only function in an advisory or investigative manner, as specified by the establishing resolution, and will have no legislative, directive or enforcement authority.

2. Any item requiring formal action shall be referred to the Board of County Commissioners for action at a regular meeting for consideration.

3. Committee meetings shall be properly noticed according to requirements of statute. All committee meetings must be held in the sunshine as mandated by Sec. 286.0105, Fla. Stat.

4. Committee reports to the Commission may contain recommendations of action but must contain all data and views concerning the matter so as to inform the Commission of all available information prior to their decision, and not simply consensus views.

5. The County Administrator shall provide the committee with a County employee to take written minutes of all Committee meetings. The County Administrator's Office shall also be the custodian of those minutes.

**c) Composition.**

1. Committees may be composed of any number considered to be beneficial but appointments must be equally distributed among Commissioners, so as to reflect county-wide composition.

2. Committees shall elect their own respective chairperson.

**d)** Committees shall adhere to the rules adopted by the Board of County Commissioners as Governing Rules Section 1.01 of these procedures.

**e)** Committees shall provide the Board of County Commissioners with a written or oral report on a schedule to be determined by motion of the Board.

## **Section 1.20 - County Commission Appointments**

Notwithstanding Robert's Rules of Order, appointments by the County Commission to committees, advisory boards, councils, commissions and similar bodies established by resolution, ordinance or Florida statute shall be by affirmative vote of not less than three of the five members of the County Commission, unless otherwise stated in the enabling resolution, ordinance or statute creating the committee, board, council, commission or body.